

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MICHAEL S. RULLE FAMILY DYNASTY)
TRUST,**

Plaintiff,)
v.) Civil Action No. 2:10-cv-00231-PD
AGL LIFE ASSURANCE COMPANY,) Hon. Paul S. Diamond
Defendant.)

)

AFFIDAVIT OF JOHN HILLMAN

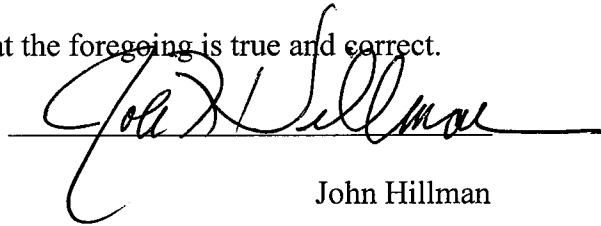
I, John Hillman, hereby declare under the penalties of perjury, pursuant to 28 U.S.C. § 1746, that:

1. I am President and Chief Executive Officer of AGL Life Assurance Company (“AGL”), the defendant in this action. I make this affidavit in support of AGL’s motion to dismiss the Complaint in this action. I have personal knowledge of the matters discussed herein.
2. Michael Rulle’s broker, Mark Dunn, first approached AGL in August 2000, and discussions about structuring a variable life insurance product for Mr. Rulle were underway in early 2001. As part of the discussions with Mr. Rulle, AGL identified a number of different funds which were available for inclusion as an investment option in the policy that he sought to purchase. Mr. Rulle eventually told AGL that he wished to have the American Masters Opportunity Insurance Fund, L.P., (now known as the Tremont Opportunity Fund III, L.P., both of which I will refer to as the “Tremont Fund”) included as his primary investment option under the policy that he sought.

3. Mr. Rulle communicated to AGL his decision to include the Tremont Fund by the middle of 2001. As a result, during the ensuing months, AGL worked on producing a Private Placement Memorandum that specifically included the Tremont Fund as one of the two investment options that would be included in the policy to be issued to Mr. Rulle (the other being a money market fund).

4. It is my understanding that the Michael S. Rulle Family Dynasty Trust, the Plaintiff in this action, was created on or about September 27, 2001, according to the Trust Document, a copy of which is attached as Exhibit 6 to Defendant's Memorandum In Support Of Its Motion To Dismiss in this action, that was provided to AGL at the time of the issuance of the policy at issue in this matter. By the time that Trust was created, Mr. Rulle had selected the Tremont Fund as his principal investment option in the policy.

I declare under penalty of perjury that the foregoing is true and correct.



John Hillman

Executed on: 3/25/10
Date

Plymouth Meeting PA
Location

NOTARIZATION ACKNOWLEDGEMENT

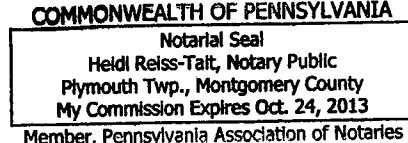
ACKNOWLEDGEMENT

On this 25th day of March, 2010, before me personally appeared John K. Hillman, to me known and known to me to be the individual who executed the foregoing Affidavit of John Hillman in the capacity therein indicated, who acknowledged that he, being authorized to do so, executed the foregoing instrument for the purposes therein contained and in the capacity therein indicated as his own free act and deed.

Karen Nei-Ja

Notary Public

My Commission Expires:



October 24, 2013